

REMARKS

In the Office Action dated November 4, 2005, claims 1-19 and 28-31 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,480,893 (Kriegsman) in view of U.S. Patent No. 6,230,233 (Lofgren).

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1 for at least the following reason: no motivation or suggestion existed to combine the teachings of Kriegsman and Lofgren. M.P.E.P. § 2143 (8th ed., Rev. 3), at 2100-135.

The Office Action identified Kriegsman as disclosing a static file and a dynamic file. 11/4/2005 Office Action at 3. However, the Office Action conceded that Kriegsman does not teach the two migrating acts of claim 1: migrating the file to a dynamic region of the read/write storage medium if the file is a static file; and migrating the file to a static region of the read/write storage medium if the file is a dynamic file. *Id.* Instead, the Office Action cited Lofgren as disclosing the claim elements that are missing from Kriegsman. *Id.*

Kriegsman states that static files are files that are repeatedly transferred in a network of computer systems without changes, while dynamic files are files that are modified for each transfer in the network. Kriegsman, 1:7-12. Kriegsman discloses a web serving system 10 (depicted in Fig. 1 of Kriegsman) that includes a primary web server 14 and one or more secondary web servers 16. Kriegsman, 5:14-18. The primary web server 14 includes a primary computer 28, storage hardware 30 connected to computer 28, web server software 32, and a primary communications link 38. Kriegsman, 5:52-58. Each secondary web server 16 includes a secondary computer 44, storage hardware 46 connected to secondary computer 44, web server software 48, and a secondary communications link 54. Kriegsman, 6:27-35. Secondary storage hardware 46 of the secondary web server 16 is used for storing data files that are duplicates of the original data files in primary storage hardware of the primary web server 14. Kriegsman, 6:35-38. Static files that are consuming most of the capacity of the communications link are copied to the one or more secondary web servers 16. Kriegsman, 6:67-7:5. Once the static data files have been copied to the secondary web servers 16, only original dynamic data files need to be transferred through the primary communications link. Kriegsman, 7:63-66. The static data

files that are requested by web browsers are transmitted over secondary communications links (rather than the primary communications link). Kriegsman, 7:66-8:3.

Thus, what is taught by Kriegsman is the use of secondary web servers to satisfy requests for static files, and the use of the primary web server to satisfy requests for dynamic files. Clearly, the teachings of Kriegsman provide no suggestion of migrating a static file to a dynamic region of a read/write storage medium, and migrating a dynamic file to a static region of the read/write storage medium. Rather, a person of ordinary skill in the art looking to the teachings of Kriegsman would have been taught to provide static files on separate web servers (that are separate from a primary web server) to achieve enhanced communications speeds when responding to requests for static files and dynamic files from web browsers.

A person of ordinary skill in the art would not have been motivated to modify the teachings of Kriegsman based on the teachings of Lofgren. Lofgren refers to moving data between heavily used and least used banks of an EEPROM memory 11 to achieve wear leveling. This goal of Lofgren is clearly inconsistent with the goal of Kriegsman, which is to separate dynamic files and static files on completely different storage media associated with different primary and secondary web servers. If the teachings of Lofgren were to be applied to Kriegsman, then a person of ordinary skill in the art would have been led to storing both the dynamic and static files of Kriegsman in a single storage medium associated with a single web server in Kriegsman, which directly contradicts the stated goal of Kriegsman (to distribute static files to separate secondary web servers so that a communications bottleneck does not occur at the primary web server). Clearly, modifying Kriegsman based on the teachings of Lofgren would defeat the intended purpose of Kriegsman, which is a clear indication that no motivation or suggestion existed to combine the teachings of Kriegsman and Lofgren to achieve the claimed invention. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." M.P.E.P. § 2143.01, at 2100-137.

A *prima facie* case of obviousness has therefore not been established with respect to claim 1 over Kriegsman and Lofgren.

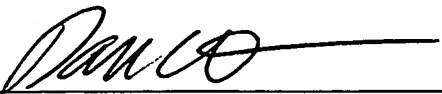
Independent claims 13 and 17 are allowable for similar reasons. Dependent claims are allowable for at least the same reasons as corresponding independent claims.

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Allowance of all claims is respectfully requested. Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304388-1).

Respectfully submitted,

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